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10/560,331	08/09/2006	Hideaki Mita	YAMAP0996US	4670
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MARK D. SARALINO (PAN) RENNER, OTTO, BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE 19TH FLOOR CLEVELAND, OH 44115			DAZENSKI, MARC A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/560,331	MITA ET AL.	
	Examiner	Art Unit	
	MARC DAZENSKI	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 December 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-65 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 21-23 is/are allowed.
 6) Claim(s) 1-8, 12-20, 24-34 and 38-65 is/are rejected.
 7) Claim(s) 9-11, 35-37 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 09 December 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12-09-05, 1-12-06, 4-11-06, 5-12-06.

DETAILED ACTION

Claim Objections

Claims 14-26 and 49-56 are objected to because of the following informalities: the claims are drawn to an information recording medium, an example of which is given on page 24 of the specification as an optical disc medium. However, it is unclear as to whether the Applicant meant to include other types of media as examples of the “information recording medium,” or only an optical disc. Therefore, the examiner interprets this to mean that the information recording medium is *only* an optical disc. Appropriate correction is required.

Claims 9-11 and 35-37 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 14-15, 27-29, 49-50, and 53-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando et al (US PgPub 2008/0317443), hereinafter referred to as Ando.

Regarding **claim 1**, Ando discloses an information storage system capable of recording and playing back a plurality of still pictures. Further, Ando discloses a recording apparatus (see paragraph [0219] and figure 19) comprising:

a file generating section for receiving video data including a plurality of video unit data each representing a video and audio data related to the video data, generating a video data file by providing a plurality of video specific data to the plurality of video unit data, the plurality of video specific data for identifying the plurality of video unit data, and generating an audio data file by providing audio specific data to the audio data, the audio specific data for identifying the audio data (see paragraphs [0124]-[0128] and figures 3A-3J);

a dividing section for receiving the video data file and the audio data file, dividing the video data file into a plurality of video data elements, and dividing the audio data file into a plurality of audio data elements related to the plurality of video data elements, wherein an i-th (i is an integer) video data element of the plurality of video data elements includes a predetermined number of video unit data of the plurality of video unit data (see [0128]);

an arranging section for arranging the i-th video data element and an i-th audio data element related to the i-th video data element among the plurality of audio data elements such that the i-th audio data element and the i-th video data element are recorded within a predetermined recording unit (see paragraphs [0128]—[0129] and figures 3D-3F); and

a recording section for recording the arranged i-th video data element and the arranged i-th audio data element on an information recording medium (see "rec/repro unit (101)" in figure 19).

Regarding **claim 2**, Ando discloses everything claimed as applied above (see claim 1). Further, Ando discloses wherein, an I-th (I is an integer) video specific data for identifying the I-th video unit data of the plurality of video unit data among the plurality of video specific data is provided to the I-th video unit data (see paragraphs [0153]-[0155] and figure 4), and

the file generating section provides filler data and filler data specific data to the I-th video unit data, the filler data specific data for identifying the filler data (see paragraphs [0130]-[0131], [0210]-[0211], wherein "Dummy pack" reads on "filler data"), and

a total size of the sum of the I-th video unit data, the I-th video specific data, the filler data and the filler data specific data is equal to an integer multiple the size of a sector unit of the information recording medium (see paragraphs [0129], [0210]-[0211], and figure 3E-3F).

Regarding **claim 3**, Ando discloses everything claimed as applied above (see claim 1). Further, Ando discloses a header area is provided on the information recording medium (see "data area (1004)" in figure 1), and

the arranging section outputs the audio specific data to the recording section such that the audio specific data is recorded in the header area (see "audio and video data area (1009)" in figure 1).

Regarding **claim 14**, the limitations of the claim are rejected in view of the explanation set forth in claims 1 and 2 above.

Regarding **claim 15**, the limitations of the claim are rejected in view of the explanation set forth in claim 3 above.

Regarding **claim 27**, the examiner maintains the claim is the corresponding method to the apparatus of claim 1, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 28**, the limitations of the claim are rejected in view of the explanation set forth in claim 2 above.

Regarding **claim 29**, the limitations of the claim are rejected in view of the explanation set forth in claim 3 above.

Regarding **claim 49**, the limitations of the claim are rejected in view of the explanation set forth in claim 14 above.

Regarding **claim 50**, the limitations of the claim are rejected in view of the explanation set forth in claim 49 above.

Regarding **claim 53**, the limitations of the claim are rejected in view of the explanation set forth in claim 15 above.

Regarding **claim 54**, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Claims 16-20, 40-42, 45-46, 57-59, and 62-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Chadwick (US PgPub 2003/0115219), hereinafter referred to as Chadwick.

Regarding **claim 16**, Chadwick discloses a method, system, and program for storing data in a data store. Further, Chadwick discloses an information recording medium (see "data store (8)" in paragraph [0025] and figure 3) comprising:

a video data element including video unit data representing a video; a metadata element related to the video data element; and an audio data element related to the video data element (see paragraphs [0024]-[0026] and figure 2a-2b),

wherein the metadata element and the audio data element are arranged ahead of the video data element within a predetermined recording unit (see figure 2a; and also wherein one of ordinary skill in the art would recognize that it would have been obvious to try arranging the metadata element and/or the audio data element ahead of the video data element since there are only two options, i.e. ahead or behind the video data element, and neither would suggest over the other that there would be any unpredictable results, see MPEP 2141, Section III).

Regarding **claim 17**, Chadwick discloses everything claimed as applied above (see claim 16). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 16 above.

Regarding **claim 18**, Chadwick discloses everything claimed as applied above (see claim 17). Further, Chadwick discloses wherein the auxiliary data element further includes compressed audio data which has been compressed at a higher compressibility than the video unit data (see paragraphs [0004]-[0005]; wherein, because the data is disclosed as being compressed by MPEG standard, the audio data

has a higher transfer rate than video data and is therefore compressed "at a higher compressibility").

Regarding **claim 19**, Chadwick discloses everything claimed as applied above (see claim 17). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 16 above.

Regarding **claim 20**, Chadwick discloses everything claimed as applied above (see claim 17). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 16 above.

Regarding **claim 40**, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 41**, the limitations of the claim are rejected in view of the explanation set forth in claim 2 above.

Regarding **claim 42**, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 45**, the limitations of the claim are rejected in view of the explanation set forth in claim 3 above.

Regarding **claim 46**, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 57**, the limitations of the claim are rejected in view of the explanation set forth in claim 40 above.

Regarding **claim 58**, the limitations of the claim are rejected in view of the explanation set forth in claim 41 above.

Regarding **claim 59**, the limitations of the claim are rejected in view of the explanation set forth in claim 42 above.

Regarding **claim 62**, the limitations of the claim are rejected in view of the explanation set forth in claim 45 above.

Regarding **claim 63**, the limitations of the claim are rejected in view of the explanation set forth in claim 46 above.

Claims 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando et al (US Patent 7,457,523), hereinafter referred to as Ando 2.

Regarding **claim 24**, Ando 2 discloses an information storage medium and information recording/playback system. Further, Ando 2 discloses an information recording medium (see "optical disc (10)" in figure 1) comprising:

a video data element including a plurality of video unit data, each of the plurality of video unit data representing a video (see figure 6); and

an audio data element related to the video data element (see figure 6),

wherein the information recording medium further comprises a rearrangement area (see column 22, lines 26-63 and figures 11-12),

when there exists a defective area on the information recording medium, the rearrangement area is used to rearrange predetermined data depending on the defective area (see column 22, lines 26-63 and figures 11-12).

Regarding **claim 25**, the limitations of the claim are rejected in view of the explanation set forth in claim 24 above.

Regarding **claim 26**, Ando 2 discloses everything claimed as applied above (see claim 25). Further, Ando 2 discloses wherein the predetermined data is the video data element (see column 22, lines 26-63 and figures 11-12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-8, 30-34, 43-44, 47-48, 51-52, 55-56, 60-61, and 64-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al (US PgPub 2008/0317443), hereinafter referred to as Ando, in view of Chadwick (US PgPub 2003/0115219), hereinafter referred to as Chadwick.

Regarding **claim 4**, Ando discloses everything claimed as applied above (see claim 1). However, Ando fails to disclose the remaining limitations of the claim. The examiner maintains it was well known to include the missing limitations, as taught by Chadwick.

In a similar field of endeavor, Chadwick discloses a method, system, and program storing data in a data store. Further, Chadwick discloses wherein the file generating section further receives metadata related to the video data and the audio data, and further generates a metadata file by providing metadata specific data to the

metadata, the metadata specific data for identifying the metadata (see paragraphs [0024]-[0025]),

the dividing section divides the metadata file into a plurality of metadata elements related to the plurality of video data elements (see paragraphs [0025]-[0026]), and

the arranging section arranges an i-th metadata element related to the i-th video data element among the plurality of metadata elements and the i-th audio data element such that they are arranged ahead of the i-th video data element within the predetermined recording unit (see figure 2a).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the information storage system capable of recording and playing back a plurality of still pictures of Ando to include the cited sections taught by Chadwick, for the purpose of expediting the reproduction of data associated with main video contents during a playback operation.

Regarding **claim 5**, the combination of Ando and Chadwick discloses everything claimed as applied above (see claim 4). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 4 above.

Regarding **claim 6**, the combination of Ando and Chadwick discloses everything claimed as applied above (see claim 5). Further, Ando discloses wherein the i-th auxiliary data element further includes compressed audio data which has been compressed at a higher compressibility than the video unit data (see paragraphs [0128]; wherein, because the data is disclosed as being compressed by MPEG standard, the audio data has a higher transfer rate than video data and is therefore compressed "at a

higher compressibility").

Regarding **claim 7**, the combination of Ando and Chadwick discloses everything claimed as applied above (see claim 5). Further, Chadwick discloses wherein the arranging section arranges the i-th auxiliary data element ahead of the i-th video element (see figure 2a).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the information storage system capable of recording and playing back a plurality of still pictures of Ando to include the cited sections taught by Chadwick, for the purpose of expediting the reproduction of data associated with main video contents during a playback operation.

Regarding **claim 8**, the combination of Ando and Chadwick discloses everything claimed as applied above (see claim 5). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 7 above.

Regarding **claim 30**, the limitations of the claim are rejected in view of the explanation set forth in claim 4 above.

Regarding **claim 31**, the limitations of the claim are rejected in view of the explanation set forth in claim 5 above.

Regarding **claim 32**, the limitations of the claim are rejected in view of the explanation set forth in claim 6 above.

Regarding **claim 33**, the limitations of the claim are rejected in view of the explanation set forth in claim 7 above.

Regarding **claim 34**, the limitations of the claim are rejected in view of the explanation set forth in claim 8 above.

Regarding **claim 43**, Ando discloses everything claimed as applied above (see claim 41). However, Ando fails to disclose the remaining limitations. The examiner maintains that it was well known to include these missing limitations, as taught by Chadwick.

In a similar field of endeavor, Chadwick discloses a method, system, and program storing data in a data store. Further, Chadwick discloses the I-th first contents specific data includes first key data which identifies a type of the I-th contents unit data and first length data which indicates a length of the I-th contents unit data, and the filler data specific data includes second key data which identifies a type of the filler data and second length data which indicates a length of the filler data (see paragraphs [0004], and [0024]-[0027] as well as figures 2a-2b).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the information storage system capable of recording and playing back a plurality of still pictures of Ando to include the cited sections taught by Chadwick, for the purpose of expediting the reproduction of data associated with main video contents during a playback operation.

Regarding **claim 44**, the combination of Ando and Chadwick discloses everything claimed as applied above (see claim 43). Further, Ando discloses wherein the first contents is one of a video and an audio (see paragraphs [0124]-[0128] and figures 3A-3J).

Regarding **claim 47**, the limitations of the claim are rejected in view of the explanation set forth in claim 43 above.

Regarding **claim 48**, the limitations of the claim are rejected in view of the explanation set forth in claim 44 above.

Regarding **claim 51**, Ando discloses everything claimed as applied above (see claim 49). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 43 above.

Regarding **claim 52**, the limitations of the claim are rejected in view of the explanation set forth in claim 44 above.

Regarding **claim 55**, Ando discloses everything claimed as applied above (see claim 53). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 43 above.

Regarding **claim 56**, the combination of Ando and Chadwick discloses everything claimed as applied above (see claim 55). further, the limitations of the claim are rejected in view of the explanation set forth in claim 44 above.

Regarding **claim 60**, the limitations of the claim are rejected in view of the explanation set forth in claim 43 above.

Regarding **claim 61**, the limitations of the claim are rejected in view of the explanation set forth in claim 44 above.

Regarding **claim 64**, the limitations of the claim are rejected in view of the explanation set forth in claim 47 above.

Regarding **claim 65**, the limitations of the claim are rejected in view of the explanation set forth in claim 48 above.

Claims 12-13, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al (US PgPub 2008/0317443), hereinafter referred to as Ando, in view of Ando et al (US Patent 7,457,523), hereinafter referred to as Ando 2.

Regarding **claim 12**, Ando discloses everything claimed as applied above (see claim 1). However, Ando fails to disclose the remaining limitations of the claim. The examiner maintains that it was well known to include the missing limitations, as taught by Ando 2.

In a similar field of endeavor, Ando 2 discloses an information storage medium and information recording/playback system. Further, Ando 2 discloses wherein when there exists a defective area on the information recording medium, the arranging section arranges rearrangement data for forming a rearrangement area used to rearrange predetermined data depending on the defective area, as well as the i-th video data element and the i-th audio data element, such that the rearrangement data is recorded within the predetermined recording unit (see column 22, lines 26-63 and figures 11-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the information storage system capable of recording and playing back a plurality of still pictures of Ando to include the cited sections taught by Ando 2, for the purpose of expediting the reproduction of data associated with main video contents during a playback operation.

Regarding **claim 13**, Ando discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 12 above.

Regarding **claim 38**, the limitations of the claim are rejected in view of the explanation set forth in claim 12 above.

Regarding **claim 39**, the limitations of the claim are rejected in view of the explanation set forth in claim 13 above.

Allowable Subject Matter

Claims 21-23 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Applicant's independent **claim 21** comprises a particular combination which is neither taught nor suggested by the prior art. The closest prior art of record, Ando et al (US PgPub 2008/0317443), differs from the claimed invention by not teaching or fairly suggesting a position in the video data file, which is ahead of a predetermined position corresponding to a head of the i-th auxillary data element and which is spaced from the predetermined position by an integer multiple the size of an ECC block unit of the information recording medium, is a head of the i-th video data element.

Applicant's independent **claim 22** comprises a particular combination which is neither taught nor suggested by the prior art. The closest prior art of record, Ando et al

(US PgPub 2008/0317443), differs from the claimed invention by not teaching or fairly suggesting a position in the metadata file, which is behind a predetermined position corresponding to a head of the i-th video data element and which is spaced from the predetermined position by an integer multiple the size of an ECC block unit of the information recording medium, is a head of the i-th metadata element.

Applicant's independent **claim 23** comprises a particular combination which is neither taught nor suggested by the prior art. The closest prior art of record, Ando et al (US PgPub 2008/0317443), differs from the claimed invention by not teaching or fairly suggesting a position in the audio data file, which is behind a predetermined position corresponding to a head of the i-th video data element and which is spaced from the predetermined position by an integer multiple the size of an ECC block unit of the information recording medium, is a head of the i-th audio data element.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
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/MARC DAZENSKI/
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